

**SENATE JOURNAL**  
**OF THE**  
**ONE HUNDRED THIRD GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF TENNESSEE**  
**SECOND REGULAR SESSION**  
**TUESDAY, JANUARY 13, 2004**  
**FORTY-EIGHTH LEGISLATIVE DAY**

The Senate of the Second Regular Session of the One Hundred Third General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Mr. Speaker Wilder, pursuant to **Senate Joint Resolution No. 622**, and in accordance with Article II, Sections 3 and 8 of the Constitution of the State of Tennessee.

**PRAYER**

The proceedings were opened with prayer by Dr. Stephen Mansfield of Bethel Outreach Church in Nashville, Tennessee, a guest of Mr. Speaker Wilder.

**PLEDGE OF ALLEGIANCE**

Mr. Russell Wilder led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 31

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

**COMMUNICATION**

January 8, 2004

The Honorable John S. Wilder  
Lieutenant Governor  
Legislative Plaza Bldg., Suite One  
Nashville, TN 37243-0026

Dear Speaker Wilder:

Thank you for excusing me from January 13-16.

As you may recall, I am currently serving as national President of the Exchange Club Child Abuse Prevention Foundation. During this excused period of time, I will be meeting with my national Board of Trustees working for the betterment of the children in our country.

Once again, thank you for understanding my absence.

Sincerely,

/s/ Bill Ketron  
State Senator

APPROVED: Lieutenant Governor  
John S. Wilder

### **INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 2051** by Senator Person.

Special License Plates -- Authorizes issuance of Tennessee Golf new specialty earmarked license plates; allocates 50 percent of funds derived from sale thereof to Tennessee Golf Foundation to benefit The First Tee youth development initiative and Foundation's Junior Tour and other junior golf programs. Amends TCA Title 55, Chapter 4.

**Senate Bill No. 2052** by Senators Crutchfield and Cooper.

Finance and Administration, Dept. of -- Authorizes commissioner to suspend, debar, or impose sanctions against certain personal, professional, and consultant services contractors; sets forth procedure for administrative review and judicial review of disciplinary actions. Amends Tennessee Code Annotated, Title 12, Chapter 4.

**Senate Bill No. 2053** by Senator Beavers.

Highway Signs -- Mundy-Musice Memorial Interchange I-40.

**Senate Bill No. 2054** by Senator Kurita.

Firearms and Ammunition -- Provides that owner of any new subdivision development located within 1,000 feet of any existing sport shooting range must provide on plat filed with county notice stating that property is located near established shooting range and property conditioned on acceptance of annoyance or inconvenience that might be caused by shooting range activities. Amends TCA Section 39-17-316.

**Senate Bill No. 2055** by Senator Kurita.

Transportation, Dept. of -- Authorizes commissioner to enter into agreement with U.S. government concerning right-of-way for U.S. 79 in Montgomery and Stewart Counties. Amends TCA Title 4, Chapter 3, Part 23 and Title 54.

**Senate Bill No. 2056** by Senator Miller.

County Officers -- Requires chief administrative highway officer in Polk County to possess high school diploma or GED. Amends TCA Section 54-7-104.

**TUESDAY, JANUARY 13, 2004 -- 48TH LEGISLATIVE DAY**

**Senate Bill No. 2057** by Senator Bryson.

Highway Signs -- "Ronald Reagan Parkway", State Route 840 in Williamson County.

**Senate Bill No. 2058** by Senator Burks.

Drugs -- Requires retailer selling products containing ephedrine or pseudoephedrine to create register containing certain information related to any buyer purchasing such products in quantities of \$25.00 or more. Amends TCA Title 39, Chapter 17, Part 4 and Title 53.

**Senate Bill No. 2059** by Senator Burks.

Criminal Offenses -- Creates Class E felony offense of possession of substance with intent to use it to manufacture Schedule I or II controlled substance or convey it to another for such use but does not apply to persons licensed to dispense or prescribe such controlled substance. Amends TCA Title 39, Chapter 17, Part 4.

**Senate Bill No. 2060** by Senator Kurita.

Highway Signs -- "Roscoe Pickering Memorial Bridge", S.R. 238 in Montgomery County.

**Senate Bill No. 2061** by Senator Kurita.

Transportation, Dept. of -- Authorizes commissioner to enter into agreement with U.S. government concerning right-of-way for U.S. 79 in Montgomery and Stewart Counties. Amends TCA Title 4, Chapter 3, Part 23 and Title 54.

**Senate Bill No. 2062** by Senator Henry.

Day Care -- Removes requirement that parents not use drop-in centers for activities that include employment and increases the number of hours per day for a child in a drop-in facility from 6 to 8 and the hours per week for such facility from 10 to 20. Amends TCA Title 71, Chapter 3, Part 5.

**Senate Bill No. 2063** by Senator Graves.

Highway Signs -- "Corporal Patrick R. Nixon Memorial Bridge", Gallatin Bypass on S.R. 386 in Sumner County.

**Senate Bill No. 2064** by Senator Beavers.

Macon County -- Subject to local approval, moves probate court jurisdiction from general sessions court to chancery court.

**Senate Bill No. 2065** by Senator Beavers.

Highway Signs -- "Sergeant Jerry Mundy and Deputy John Musice Memorial Interchange", Exit 226 on I-40 at Mt. Juliet Road (S.R. 171) in Wilson County.

**Senate Bill No. 2066** by Senator Bryson.

Lottery -- Requires warning concerning addiction on lottery tickets and written material intended for public distribution printed after July 1, 2004; requires warning labels concerning addiction on all machines used to sell tickets; requires warning concerning addiction to be posted on Web site of corporation. Amends TCA Title 4, Chapter 3, Part 16; Title 4, Chapter 51; Title 33 and Title 39.

**Senate Bill No. 2067** by Senator Bryson.

Lottery -- Requires toll-free telephone number for organization that provides assistance for compulsive gambling to be printed on all lottery tickets and written materials intended for public distribution printed after July 1, 2004. Amends TCA Title 4, Chapter 51.

**Senate Bill No. 2068** by Senator Graves.

Driver Licenses -- Expands the conditions under which a driver who possesses an intermediate driver license is permitted to have more than one passenger in the motor vehicle. Amends TCA Section 55-50-311.

**Senate Bill No. 2069** by Senator Kurita.

Montgomery County -- Subject to local approval, authorizes county to impose adequate facilities tax.

**Senate Bill No. 2070** by Senator Beavers.

Sexual Offenses -- Requires TBI or local law enforcement agency to notify neighborhoods within one-half mile radius that a sexual offender is or will be residing in such area with such notice being by any means reasonably designed to adequately provide such notice. Amends TCA Title 40, Chapter 39.

**Senate Bill No. 2071** by Senator Cooper.

Insurance Companies, Agents, Brokers, Policies -- Prevents insurer from denying homeowners' or renters' insurance coverage based upon the breed of dog owned by the potential insured; allows insurer to deny coverage based upon a history of violence by a specific dog owned by the potential insured. Amends TCA Title 56, Chapter 7.

**Senate Bill No. 2072** by Senator Cooper.

Highway Signs -- "Grady Lester Davis Memorial Highway" and "Woodrow Wilson Von Rohr Memorial Highway", S.R. 28 in Sequatchie County.

**Senate Bill No. 2073** by Senator Cooper.

Insurance, Health, Accident -- Requires health insurers to offer coverage for bariatric surgery for the treatment of clinically severe obesity. Amends TCA Title 56, Chapter 7, Part 26.

**Senate Bill No. 2074** by Senator Cooper.

Coffee County -- Subject to local approval, imposes additional privilege tax on the privilege of a consumer attending a large event.

**Senate Bill No. 2075** by Senator Cooper.

Warren County -- Subject to local approval, removes limit on purchasing power of superintendent of roads. Amends Chapter 61 of the Private Acts of 1959; as amended.

**Senate Bill No. 2076** by Senator Cooper.

Cooperatives -- Permits telephone cooperatives to accept and distribute voluntary contributions for charitable purposes through programs such as round-up programs. Amends TCA Title 65, Chapter 29, Part 1.

**Senate Bill No. 2077** by Senator Cooper.

Taxes, Ad Valorem -- Exempts property used as thrift shops by Section 501(c)(3) institutions from ad valorem taxation. Amends TCA Title 67, Chapter 5, Part 2.

**Senate Bill No. 2078** by Senator Cooper.

Taxes, Sales -- Exempts sales of motor vehicles to Tennessee national guardsmen on active federal duty from sales and use tax. Amends TCA Section 67-6-303.

## **TUESDAY, JANUARY 13, 2004 -- 48TH LEGISLATIVE DAY**

### **Senate Bill No. 2079** by Senator Harper.

Hospitals and Health Care Facilities -- Requires nursing homes and assisted living facilities to disclose whether the facility has sprinklers. Amends TCA Title 68.

### **Senate Bill No. 2080** by Senator Harper.

Private Investigators -- Requires that attorneys performing duties of private investigators be licensed in Tennessee and in good standing in order to qualify for the licensure exemption. Amends TCA Section 62-26-223.

### **Senate Bill No. 2081** by Senator Harper.

Hospitals and Health Care Facilities -- Requires nursing homes to have sprinkler systems and 1-hour rated fire doors in place by July 1, 2005. Amends TCA Title 68.

### **Senate Bill No. 2082** by Senator McNally.

Driver Licenses -- Enacts "Hayden's Law"; requires 90-day suspension of license of person aged 15-21 upon accumulation of 8 points in any 9-month period. Amends TCA Title 55, Chapter 50.

### **Senate Bill No. 2083** by Senator Kurita.

Highway Signs -- "Roscoe Pickering Memorial Bridge", S.R. 238 in Montgomery County.

### **Senate Bill No. 2084** by Senator Kurita.

Criminal Offenses -- Creates Class A misdemeanor for railroad company or person employed by railroad company to deny, delay or interfere with medical or first aid treatment of employee injured during employment or to discipline or threaten discipline of employee requesting medical or first aid treatment for such injury. Amends TCA Title 65, Chapter 12, Part 1.

### **Senate Bill No. 2085** by Senator Trail.

Handgun Permits -- Provides that handgun carry permit issued to person in or who enters U.S. Armed Services remains valid as long as person's service continues and person is stationed outside of Tennessee and gives such person eight months from discharge or separation from service or reassignment back into this state to renew permit without being considered new applicant. Amends TCA Section 39-17-1351.

## **INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

### **Senate Joint Resolution No. 625** by Senator Ketron.

Memorials, Death -- John Sam Ridley, Sr.

### **Senate Joint Resolution No. 626** by Senator Trail.

Memorials, Retirement -- Billy Lee Jones, Murfreesboro Commissioner of Police.

### **Senate Joint Resolution No. 627** by Senator Trail.

Memorials, Professional Achievement -- Dr. Bob and Elizabeth Womack of MTSU.

### **Senate Joint Resolution No. 628** by Senator Henry.

Memorials, Death -- William F. Moynihan.

**TUESDAY, JANUARY 13, 2004 -- 48TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 629** by Senator Cohen.

General Assembly, Confirmation of Appointment -- Dennis C. Bottorff, Board of Directors, Tennessee Education Lottery Corporation.

**Senate Joint Resolution No. 630** by Senator Cohen.

General Assembly, Confirmation of Appointment -- Claire Whitfield Tucker, Board of Directors, Tennessee Education Lottery Corporation.

**Senate Joint Resolution No. 631** by Senator Cohen.

General Assembly, Confirmation of Appointment -- James L.E. Hill, Board of Directors, Tennessee Education Lottery Corporation.

**Senate Joint Resolution No. 632** by Senator Cohen.

General Assembly, Confirmation of Appointment -- Deborah E. Story, Board of Directors, Tennessee Education Lottery Corporation.

**Senate Joint Resolution No. 633** by Senator Cohen.

General Assembly, Confirmation of Appointment -- Marvell R. Mitchell, Board of Directors, Tennessee Education Lottery Corporation.

**Senate Joint Resolution No. 634** by Senator Cohen.

General Assembly, Confirmation of Appointment -- Morris H. Fair, Board of Directors, Tennessee Education Lottery Corporation.

**Senate Joint Resolution No. 635** by Senator Cohen.

General Assembly, Confirmation of Appointment -- James H. Ripley, Board of Directors, Tennessee Education Lottery Corporation.

**Senate Joint Resolution No. 636** by Senator Kurita.

Memorials, Congress -- Urges study to determine adverse effects of eligibility parameters for participation in federal health and social service programs on military families with members deployed overseas.

**Senate Joint Resolution No. 637** by Senator Cooper.

Memorials, Congratulations -- Mary Ellen Trimble, Mrs. Democrat.

**Senate Joint Resolution No. 638** by Senator Cooper.

Memorials, Public Service -- J. Stanley Rogers.

**Senate Joint Resolution No. 639** by Senator Cooper.

Memorials, Death -- James W. Dempster.

**Senate Joint Resolution No. 640** by Senator Cooper.

Memorials, Death -- Ron Martin.

**Senate Joint Resolution No. 641** by Senator Cooper.

Memorials, Death -- Harris C. Jacobs, Jr.

**Senate Joint Resolution No. 642** by Senator Cooper.  
Memorials, Retirement -- Larry Wallace.

**Senate Joint Resolution No. 643** by Senator Cooper.  
Memorials, Death -- James Leslie Henegar.

**Senate Joint Resolution No. 644** by Senator McNally.  
Memorials, Professional Achievement -- Barry K. Thacker, 2003 Hoover Medal award winner.

**Senate Joint Resolution No. 645** by Senator McNally.  
Memorials, Death -- William D. Manly.

**Senate Joint Resolution No. 646** by Senator Person.  
Memorials, Personal Occasion -- James Robert "J.R." Schuler, birth.

**Senate Resolution No. 110** by Senator Crutchfield.  
Juvenile Offenders -- Urges Congress to maintain funding for Juvenile Accountability Block Grant.

**NOTICE**

**REPORT OF WORKERS' COMPENSATION ADVISORY COUNCIL**

The report was received and filed with the Clerk.

**MOTION**

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 636** on the calendar for the Committee on Finance, Ways and Means for today, which motion prevailed.

**MOTION**

Senator Crutchfield moved that the proposed schedule, as amended, for the week of January 12, 2004, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

**TENNESSEE STATE SENATE**

**PROPOSED SCHEDULE  
FOR THE WEEK OF JANUARY 12, 2004**

**MONDAY -- January 12**

No Floor Session

**TUESDAY – January 13**

	noon	Session – Senate Chamber
1:30 p.m.	– 2:30 p.m.	Finance, Ways & Means Committee
2:30 p.m.	– 3:30 p.m.	State & Local Government Committee
3:30 p.m.	– 4:30 p.m.	Commerce, Labor & Agriculture Committee
4:30 p.m.	– 5:30 p.m.	Judiciary Committee

**WEDNESDAY – January 14**

8:30 a.m.	– 9:30 a.m.	Education Committee
9:30 a.m.	– 10:30 a.m.	General Welfare, Health & Human Resources
10:30 a.m.	– 11:30 a.m.	Environment, Conservation & Tourism Committee
12:30 p.m.	– 1:30 p.m.	Transportation Committee
1:30 p.m.	– 2:30 p.m.	Government Operations Committee

**THURSDAY – January 15**

9:00 a.m.	Session – Senate Chamber
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NOTE: The Rules Committee will meet subject to the call of the Chair.

**NOTICE**

Pursuant to Rule 44, notice was given that the following bill was returned from the House of Representatives amended. Under the rule, the bill lies over.

**MESSAGE FROM THE HOUSE**

June 3, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1742, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**CALENDAR**

Senator Crowe moved that **Senate Joint Resolution No. 142** be placed on the calendar for February 9, 2004, which motion prevailed.

Senator Dixon moved that **Senate Bill No. 154** be rereferred to the Committee on Education, which motion prevailed.

Senator Trail moved that **Senate Bill No. 1671** be rereferred to the Committee on State and Local Government, which motion prevailed.

**WITHDRAWAL OF BILL**

On motion of Senator Cooper, **Senate Joint Resolution No. 642** was withdrawn from the Senate.



**MOTION**

On motion of Senator Bryson, his name was added as sponsor of **Senate Bill No. 1188**.

**MESSAGE FROM THE HOUSE**

January 13, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2049, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, January 15, 2004, which motion prevailed.